

Office of Prosecution Services

Functional Analysis & Records Disposition Authority

**Presented to the
State Records Commission
July 26, 2001**

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Functional and Organizational Analysis of Office of Prosecution Services

Sources of Information

Representatives of the Office of Prosecution Services

Code of Alabama 1975, Sections 12-17-230 through 12-17-234, 30-6-1 through 30-6-13, 15-23-3, 15-23-5, 15-23-12, 15-23-14, 15-23-15, 15-23-17

Code of Alabama 1975, Sections 41-20-1 through 41-20-16 (Sunset Law)

Code of Alabama 1975, Sections 41-22-1 through 41-22-27 (Administrative Procedures Act)

Alabama Administrative Code, Chapters 745-X-1-.01 through 745-X-1-.08

Alabama Government Manual (1998)

Audit Report of the Office of Prosecution Services (1997 to 1999)

Government Records Division, State Agency Files (1985-ongoing)

Information Service Division, Department of Finance, Office of Prosecution Services Workflow Process Design Review (1997)

Agency Organization

Code of Alabama 1975, Section 12-17-232 mandates the Executive Committee of the Alabama District Attorneys Association to oversee the management of the Office of Prosecution Services (OPS). The Executive Committee appoints an executive director and sets the terms of employment. The executive director employs, with advice and consent of the Executive Committee, necessary staff members to discharge the office duties. None of employees of the office, including the executive director, are subject to the provisions of the state merit system. An organizational chart is attached.

Historical Context

The Office of Prosecution Services was created in 1975 by the Legislature (Acts 1975, No. 1037).

Agency Function and Subfunctions

The mandated function of the Office of Prosecution Services is to assist the prosecuting attorneys throughout the state in their efforts against criminal activities. The office is one of the agencies primarily involved in carrying out the Law Enforcement function of Alabama government. In the performance of its mandated function, the Office of Prosecution Services may engage in the following subfunctions:

- **Assisting Prosecuting Attorneys.** The Office of Prosecution Services is obligated, under the Code of Alabama, Section 12-17-230, to furnish assistance to the prosecuting attorneys through such activities as preparation and dissemination of indices to and digests of the court decisions relating to criminal matters; preparation and distribution of model indictments, search warrants, and other appropriate documents employed in the administration of criminal justice; preparation and distribution of a basic prosecutor's manual; promotion of and assistance in the training of prosecuting attorneys; and legal research assistance to prosecution attorneys. Staff members also provide logistical support to various educational conferences and conventions sponsored by the District Attorneys Association as well as other law enforcement /legal associations.

- **Providing Administrative Support to District Attorneys' Offices.** The Office of Prosecution Services receives annual budget requests from all district attorneys' offices across the state and incorporates them into a consolidated budget packet for consideration by the state legislature. Each of the district attorneys' budgets is funded through a combination of state and county taxes/fees. Staff members maintain a general fund account for financial resources for the operations of the district attorneys' offices. The office staff is also responsible for managing human resource and property inventory activities for all district attorneys' offices. In addition, Code of Alabama, Section 15-23-16 stipulates that the Office of Prosecution Services creates and manages a Victim Services Fund. A certain portion of victim assessment fees collected are deposited into the fund for distribution to district attorneys' offices to employ at least one full-time victim officer in each circuit.

- **Supervising Domestic Violence Shelters.** By virtue of the Code of Alabama, Section 30-6-1 to 30-6-13, the Office of Prosecution Services has the responsibility for administration of domestic violence shelters or facilities. Staff members are required to establish minimum program requirements and standards for certifying domestic violence shelters to receive state funds; to screen and approve/reject applications for state funding of domestic violence shelters; and to inspect annually each shelter for compliance with the minimum standards. Funds for the program come from a portion of marriage license fees.

- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support the programmatic areas of the agency.

Managing the Agency: Activities involved in managing the agency may include internal office management activities such as corresponding and communicating; scheduling; meeting; creating policy and procedures; reporting; litigating; legislating (drafting, lobbying, tracking); publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities involved in managing finances may include the following: budgeting (preparing and reviewing the budget package, submitting the budget package to

the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

Managing Human Resources: Activities involved in managing human resources may include the following: recruiting and hiring eligible individuals to fill vacant positions within the agency; providing compensation and benefits to employees; supervising employees (evaluating performance, disciplining, granting leave, and monitoring the accumulation of leave); and providing training and continuing education for employees.

Managing Properties, Facilities, and Resources: Activities involved in managing properties, facilities, and resources may include the following: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting offices or facilities; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

Analysis of Record Keeping System and Records Appraisal of the Office of Prosecution Services

Agency Record Keeping System

The agency currently operates a hybrid record keeping system composed of paper and electronic records.

Paper-based Systems: Staff members create and maintain most of the agency's records in paper form.

Computer Systems: The agency has a six-client and one print server network using Microsoft Local Area Network (LAN) within Microsoft Windows for Workgroups 3.11. Staff members have Internet access through the Campus Ring.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Office of Prosecution Services: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal, and administrative requirements have been met. Some of the temporary records created by the department are discussed below:

- **Domestic Violence Shelter Files.** This series consists of applications completed by domestic violence facilities for state funds, approval documents, disbursement records, and annual inspection data. They are created to assist the staff in implementing the legislation relating to domestic violence facilities. To comply with audit requirement and reference needs, the agency retains the files three years after the facility ceases operation.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Assisting Prosecuting Attorneys:

- **Model Prosecutor Manuals.** One of the mandates of the Office of Prosecution Services is to assist prosecuting attorneys in the preparation of model indictments, search warrants, interrogation advise, and other appropriate documents employed in the administration of criminal justice at the trial level. This series consists of various model prosecutor manuals, such as the warrant and indictment manual, created by the office staff for distribution and use by district attorneys' offices. A copy of each manual should be maintained permanently as documentation of the office's work. (RDA page 3-2) **(Bibliographic Title: Manuals)**

- **Newsletters.** The office publishes a monthly newsletter, known as “Alabama Prosecutor,” to serve as a communications tool between the Office of Prosecution Services and district attorneys’ offices. The major purpose of the newsletter is for the agency’s executive director to summarize state court opinions that may affect the district attorneys or are of general interest. The newsletter may also contain information on dates of upcoming events, recent opinions of the attorney general, and other related national information. (RDA page 3-2)
(Bibliographic Title: Newsletters)

Providing Administrative Support to District Attorneys’ Offices:

The agency currently creates no permanent records under this subfunction.

Supervising Domestic Violence Shelters:

- **Annual Reports to the Legislature.** Code of Alabama, Section 30-6-5 mandates all domestic violence shelter program participating district attorneys make an annual program activity report to the Office of Prosecution Services. The OPS staff incorporates important information into a formal report for the Legislature. The report contains facts on domestic violence and in-depth statistical data recorded collectively from each domestic violence shelter. Additionally, pertinent information relating to the annual inspection of each shelter is detailed in a narrative by dates of visits. The report may also include potential prevention efforts identified and the estimated annual cost of implementation of such prevention services. (RDA page 3-3)
(Bibliographic Title: Annual Reports on Domestic Violence and Domestic Violence Shelters)

Administering Internal Operations:

The agency currently creates no permanent records under this subfunction.

Permanent Records List Office of Prosecution Services

Assisting Prosecuting Attorneys

1. Model Prosecutor Manuals
2. Newsletters

Supervising Domestic Violence Shelters

1. Annual Reports to the Legislature

Office of Prosecution Services Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975, Sections 41-13-5 and 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with the staff of the Office of Prosecution Services. The RDA lists records created and maintained by the Office of Prosecution Services in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the office to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Sections 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Office of Prosecution Services' records. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain records and record-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term internal purposes that may include, but are not limited to: telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal

communications about social activities. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Office of Prosecution Services and lists the groups of records created and/or maintained by the office as a result of activities and transactions performed in carrying out these subfunctions. The office may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

■ Assisting Prosecuting Attorneys:

MODEL PROSECUTOR MANUALS

Disposition: PERMANENT RECORD.

NEWSLETTERS

Disposition: PERMANENT RECORD.

Educational Training/Conference Files (registration forms, payment information, and attendee lists)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

■ Providing Administrative Support to District Attorneys' Offices:

Records documenting the preparation of a consolidated budget package for the district attorneys' offices and reporting of the status of funds, requesting amendments of allotments, and reporting program performance

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting payroll (e.g. pre-payroll reports, payroll check registers) for the district attorneys and their employees

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

District Attorneys' Office State-funded Employee Personnel Files (tax withholding documents, payroll deduction authorizations, and other related materials)

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Records documenting the receipt and distribution of crime victims' compensation assessments for victim service officers' payroll

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Listings of Nonconsumable Personal Property Purchased with State Funds and Maintained by the District Attorneys' Offices

Disposition: Temporary Record. Retain until superseded.

District Attorneys' Office Semiannual Inventory Lists

Disposition: Retain in office. (Code of Alabama 1975, Section 36-16-8 [1]).

District Attorneys' Office Transfer of State Property Forms (SD-1) (Agency copies)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

District Attorneys' Office Property Inventory Cards and/or Computer Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the items were removed from inventory.

District Attorneys' Office Receipts of Responsibility for Property

Disposition: Temporary Record. Retain until return of item to property manager.

■ **Supervising Domestic Violence Shelters:**

ANNUAL REPORTS TO THE LEGISLATURE

Disposition: PERMANENT RECORD.

Domestic Violence Shelter Files (applications, disbursement records, and annual inspection data)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the shelter was closed.

■ **Administering Internal Operations:**

Managing the Agency:

Administrative Procedures Rule Filings

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Register of Administrative Procedures Rule Filings

Disposition: Retain in office (Code of Alabama 1975, Section 41-22-6).

Routine Correspondence

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Administrative Reference Files

Disposition: Temporary Record. Retain for useful life.

Mailing Lists

Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the agency's approved RDA (copies of transmittal forms to the Archives and the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Copies of RDA

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA is superseded.

Computer systems documentation (hardware/ software manuals and diskettes, warranties, records of access/authorities, file naming conventions, Y2K records)

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

Managing Finances:

Records documenting the preparation of a budget package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of original entry or routine accounting transactions, such as journals, registers, and ledgers and funds deposited outside the state treasury.

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting requests for authorization from supervisors to travel on official business either within or outside the state, and other related materials, such as travel reimbursement forms and itineraries

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting contracts for services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses

Disposition: Retain in office (Code of Alabama 1975, Section 41-16-24).

Audit Reports

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

Managing Human Resources:

Position Classification Files

Disposition: Temporary Record. Retain 4 years after position is reclassified.

Application Materials

Disposition: Temporary Record. Retain 1 year.

Records documenting payroll (e.g. pre-payroll reports, payroll check registers)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting payroll deduction authorizations

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Records documenting payroll deductions for tax purposes (including Form 941)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting an employee's work history - generally maintained as a case file

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Records documenting an employee's hours worked, leave earned, and leave taken (including time sheets)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting sick leave donations

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of final leave status (cumulative leave)

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Employee Flexible Benefits Plan Files

Disposition: Temporary Record. General information -- Retain until superseded.

Other (applications, correspondence) -- Retain 6 years.

State Employee Injury Compensation Trust Fund Files

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Equal Employment Opportunity Commission Case Files
Disposition: Temporary Record. Retain 3 years.

Managing Properties, Facilities, and Resources:

Semiannual Inventory Lists

Disposition: Retain in office. (Code of Alabama 1975, Section 36-16-8 [1]).

Transfer of State Property Forms (SD-1) (Agency copies)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Property Inventory Cards and/or Computer Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the items were removed from inventory.

Receipts of Responsibility for Property

Disposition: Temporary Record. Retain until return of item to property manager.

Real Property Leasing/Renting Records

Disposition: Temporary Record. Retain 6 years after expiration of the lease.

Facilities/Building Security Records (including visitor logs)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Motor Pool Vehicle Use Records

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Insurance Policies/Risk Management Records

Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

Building Maintenance Work Orders

Disposition: Temporary Record. Retain 1 year.

Approval of Records Disposition Authority

By signing this agreement the Office of Prosecution Services acknowledges its responsibilities for the proper management of its records and agrees to abide by the implementation guidelines listed below:

- The Office of Prosecution Services will designate a managerial position as the agency records officer. This position is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the office, coordinating the transfer and

destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, submitting an annual report on records management activities to the State Records Commission in July of each year, and ensuring the regular implementation of the office's approved RDA.

- Permanent records in the Office of Prosecution Services' custody will be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis-for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA's provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The office should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the office chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.
- The Office of Prosecution Services agrees to allow the staff of the State Records Commission or the Examiners of Public Accounts to examine the condition of the permanent records maintained in the custody of the office and to inspect records destruction documentation. Government Records Division archivists are available to train the staff in RDA implementation and otherwise assist the office in implementing its records management program.

This records disposition authority is hereby adopted.

By: _____ Date: _____
Thomas W. Sorrells, Executive Director
Office of Prosecution Services

By: _____ Date: _____
Edwin C. Bridges, Chairman
State Records Commission